

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION

IN RE:	)	Chapter 11
	)	
EASTERN LIVESTOCK CO., LLC,	)	CASE NO.: 10-93904-BHL-11
	)	
Debtor.	)	Hon. Basil H. Lorch, III
	)	
RUSH CREEK RANCH, LLLP,	)	Adversary Proceeding
	)	
Plaintiff,	)	CASE NO.: 4:11-ap-59104
	)	
v.	)	
	)	
EASTERN LIVESTOCK COMPANY, LLC,	)	
ARCADIA STOCKYARD, CATTLEMEN'S	)	
LIVESTOCK MARKET, COLUMBIA LIVESTOCK	)	
MARKET OF LAKE CITY, INC., HARDEE	)	
LIVESTOCK MARKET, INC., NORTH FLORIDA	)	
LIVESTOCK MARKET, OCALA LIVESTOCK	)	
MARKET, INC., OKEECHOBEE LIVESTOCK	)	
MARKET, SUMTER COUNTY FARMER'S	)	
MARKET, INC., TOWNSEND LIVESTOCK	)	
MARKET, FIFTH THIRD BANK, JAMES BYRD,	)	
a/k/a I.E. BYRD, OAK LAKE CATTLE COMPANY,	)	
INC., D&R TRUCKING, RON SIZEMORE	)	
TRUCKING, INC., BANKS 1-25, and	)	
DOES 25-50,	)	
	)	
Defendants.	)	
	)	

**FLORIDA CREDITORS' MOTION TO SEAL REPLY TO TRUSTEE RESPONSE**  
**AND NOTICE OF FILING EVIDENTIARY MATERIALS IN SUPPORT OF FLORIDA**  
**CREDITORS RULE 7042 MOTION TO CONSOLIDATE**  
**AND FOR EXPEDITED HEARING**

COMES NOW Defendants Hilliard–McKettrick Investments, Inc. d/b/a Arcadia  
Stockyard; Cattlemen's Livestock Market, Inc.; Columbia Livestock Market, Inc.; Hardee  
Livestock Market, Inc.; North Florida Livestock Market, Inc.; Ocala Livestock Market, Inc.;  
Okeechobee Livestock Market, Inc.; Sumter County Farmers Market, Inc.; and Madison County

Livestock Market, Inc. d/b/a Townsend Livestock Market (collectively “Florida Markets”); Ron Sizemore Trucking, Inc. (“Sizemore”); Oak Lake Cattle Co. (“Oak Lake”); Eagle Bay, Inc. (“Eagle”); and Daniel M. Byrd (“D. Byrd”) (and collectively “Florida Creditors”), by and through undersigned counsel, and pursuant to replies to the Trustee Response (Doc. 1018) and files *Florida Creditors’ Motion To Seal Reply To Trustee Response And Notice Of Filing Evidentiary Materials In Support Of Florida Creditors Rule 7042 Motion To Consolidate And For Expedited Hearing* (“Motion To Seal”) and state as follows:

1. The *Florida Creditors’ Rule 7042 Motion To Consolidate* (Doc. 975) (“Motion To Consolidate”) was filed and served electronically January 25, 2012. The *Trustee’s Response To Florida Creditors’ Rule 7042 Motion To Consolidate* (Doc. 1018) (“Response”) was filed February 8, 2012. The Court scheduled the Florida Creditors’ Rule 7042 Motion to be heard during the Omnibus hearing of February 13, 2012.

2. The Florida Creditors seek to file their *Reply To Trustee Response And Notice Of Filing Evidentiary Materials In Support Of Florida Creditors Rule 7042 Motion To Consolidate And For Expedited Hearing* (“Reply”) prior to the February 13, 2012 hearing. However, several exhibits to be filed in support of the Florida Creditors’ Reply have been designated as “Confidential” by the disclosing party, Fifth Third Bank, N.A. (namely Exhibits F, G, H, and K). The basis for Fifth Third’s designation of Confidential on the documents in question is unclear since they mainly consist of Fifth Third credit file documents regarding Debtor Eastern Livestock and contain no sensitive personal information or any sort and no privilege has been asserted. Although the Florida Creditors are seeking concurrently a waiver of the Confidential designation, in an abundance of caution and in accord with the Joint Stipulated Confidentiality

Agreement, particularly paragraph 11, the Florida Creditors seek to have the Reply filed under seal along with the attached Exhibits A-L.

3. Because of the short time frame before the Hearing on the Motion To Consolidate, the Florida Creditors also request an expedited consideration of their Motion To Seal.

4. The Florida Creditors anticipate that Fifth Third will reply expeditiously to their request to waive the "Confidential" designation. However, should the waiver not be granted or the answer for waiver not be forthcoming, the Florida Creditors will pick up the documents on or before May 30, 2012.

WHEREFORE for the reasons outlined above the Florida Creditors request that the Motion To Seal And for Expedited Hearing be GRANTED.

Respectfully submitted this 10<sup>th</sup> day of February 2012,

W. SCOTT NEWBERN, PL

/s/ Walter Scott Newbern

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COUNSEL FOR FLORIDA LIVESTOCK  
MARKETS AND CREDITORS

**CERTIFICATE OF SERVICE**

I hereby certify that on this 10<sup>th</sup> day of February 2012, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

/s/ W. Scott Newbern

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